IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1769 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMED HUSSAIN SHABBIR BAHERA

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION

Appearance:

MR MA KHARADI for Petitioner No. 1

MS MONALI H BHATT for Respondent No. 1

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 24/02/2003

ORAL JUDGEMENT

1. Learned Advocate Mr.S.A.Qureshi for learned advocate Mr.M.A.Kharadi for the applicant and learned Advocate Ms. Monali Bhatt for the opponent were heard.

2. This application is filed by the applicant under Section 24 of the Civil Procedure Code for the transfer of Motor Accident Claim Petition No.1102/1994 from Motor Accident Claims Tribunal, Kheda at Nadiad to Motor Accident Claims Tribunal, Panchmahals at Godhra.

3. Having regard to the grounds of transfer, the applicant has narrated in the application that the applicant is physically unfit person and suffers from permanent disabilities and it would be very difficult for him to travel all the way from Godhra to Nadiad on each date in the proceedings of the Motor Accident Claim Petition No.1102/94. It is also narrated that the transfer of Claim Petition would not cause any prejudice to the opponent.

4. Having regard to the cause advanced for the transfer of the said Motor Accident Claim Petition as well as having regard to the fact that by virtue of the provisions of the Bombay Motor Vehicles Act, the applicant - claimant otherwise would be entitled to file and maintain petition in the jurisdiction of the Motor Accident Claims Tribunal, Panhmahalas at Godhra, the request for transfer as prayed is required to be granted.

5. In this view of the matter, this Petition is required to be allowed and Motor Accident Claim Petition No.1102/94 pending before the Motor Accident Claims Tribunal, Kheda at Nadiad is directed to be transferred to Motor Accident Claims Tribunal, Panchamahals at Godhra. Motor Accident Claims Tribunal, Kheda at Nadiad is directed to transmit the record and proceedings of Motor Accident Claim Petition No.1102/94 to Motor Accident Claims Tribunal, Panchamahals at Godhra forthwith. Motor Accident Claims Tribunal, Panchamahals at Godhra is directed that on so receiving the record and proceedings of the Motor Accident Claim Petition No. 1102/94, the Motor Accident Claims Tribunal, Panchamahals at Godhra shall register the said Motor Accident Claim Petition and shall proceed and dispose of the same according to law.

6. Rule is made absolute. No costs.

(J.R. Vora, J.)

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